

VINCENT F. LESLIE

JUNE 26, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BYRNE of New York, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4456]

The Committee on the Judiciary, to whom was referred the bill (H. R. 4456) for the relief of Vincent F. Leslie, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

An identical bill was favorably reported by the committee and passed the House in the Eighty-first Congress, but no action taken by the Senate.

The facts will be found fully set forth in House Report No. 2465, Eighty-first Congress, which is appended hereto and made a part of this report.

[H. Rept. No. 2165, 81st Cong., 2nd sess.]

The purpose of the proposed legislation is to pay the sum of \$2,000 to Vincent F. Leslie, of Washington, D. C., for damages sustained by him on account of his arrest and imprisonment at Jacksonville, Fla., by and at the request of United States Post Office Department inspectors, on July 3, 1926, and again on July 8, 1926, and his ensuing confinement in jail until the dismissal of the prosecution against him.

STATEMENTS OF FACTS

It appears that in July 1926, Mr. Leslie was employed as a train conductor by the Jacksonville (Fla.) Terminal Co. In addition, he operated as a side issue, a hotel known as the Jacksonville Terminal Y Hotel. The latter enterprise, during his course of operation, was profitable. He had expended savings, and committed himself to obligations, to start operations and put the place into working order.

He was implicated, through no fault of his own, by a man who was apprehended and confessed to a blackmail extortion plot against a railroad official. Postal officers took him into custody. He was kept in jail for a period of 70 days, and kept out of employment with the Terminal Co. for a period of 119 days. His pay was 83 cents per hour for 8 hours per day. Without figuring overtime pay which was the order at that time (Florida boom days) his loss of pay would total \$740.60.

During his incarceration, Leslie lost the hotel and the money which he had put into the business. In addition he was forced to pay \$250 for a bond and \$65 for an attorney.

The man who implicated Vincent F. Leslie, subsequently made a confession completely absolving him. Mr. Leslie was, however, indicted, kept in jail, and the case against him eventually was dismissed.

Mr. Leslie has suffered pecuniary loss, besides deprivation of his liberty and consequent humiliation, because of a serious mistake on the part of postal officers. He was arrested apparently without any real investigation concerning his implication in the matter. Subsequent events establish this conclusion. If his reputation had been questionable, his associations bad, or other surrounding circumstances warranted the action taken by Federal officers, there might have existed some justification for his arrest and protracted incarceration. Nothing is apparent which would establish grounds for the action taken, except the word of the principal in the blackmail plot, a man who bore a bad reputation, and whose only claim of friendship with Mr. Leslie lay in the fact that he was stopping at his hotel.

The report from the Attorney General states:

"Claims of this nature should be carefully scrutinized, but in those cases in which it affirmatively appears that the defendant who has been convicted and imprisoned on a criminal charge, is actually innocent, it is fair and just that some compensation should be made. The expense resulting from such policy would not be much more than negligible, since it is on comparatively rare occasions that situations of this kind arise."

Therefore, your committee is of the opinion that Mr. Leslie is justly entitled to \$2,000 for this false imprisonment, and recommends favorable consideration to the bill.

STATEMENT OF THE ARREST OF VINCENT F. LESLIE, JULY 3, 1926, AT JACKSONVILLE, FLA., BY UNITED STATES POST OFFICE INSPECTOR

(No record of this arrest was made to Washington, D. C.)

After the railroad strike of April 9, 1920, many of the railroad men, of whom I was one, found themselves without positions.

In 1925, the boom days of Florida, I located in Jacksonville and was employed as a railroad conductor by the Jacksonville Terminal Co. I rented a building from the English Realty Co. at a rent of \$450 per month. I spent \$654 on overhauling the plumbing and \$314 for painting and plastering the inside of the building. I furnished the building with 50 brand new beds, springs, and mattresses and, you might say, all the furnishings were new. I was working on the railroad as a conductor and running this hotel as a side line.

On July 3, 1926, I was too ill to report for duty on my job on the railroad. About 10 a. m. a boy from the Western Union Telegraph Co. called at the hotel with a package. He asked me if this was 101 Johnston Street, and I said, "Yes." He said, "I have a package for you." "For me?" I said. "Where is it from?" He said, "From the railroad shops."

I was seated in a large rocker on the front porch, at the time. He laid down the envelope I called a package, with his book to be signed over the top of it, laying both on the arm of the rocker that I was seated in. Pointing to the address with his finger, the messenger said, "Sign here." "After the address?" I said, handing him the book with one hand and picking up the envelope that was only addressed to 101 Johnston Street.

Being the proprietor of the hotel, I proceeded to tear open this envelope when I noticed in the corner Seaboard Airline Railroad printing with long-hand written through it. So I stopped tearing the envelope open further, and read this writing through the print. It said, "To be called for." I thought to myself, well, that must be something someone will call in for, so I placed the envelope on the table in the reading room with the other mail left by the postman for the guests, feeling that I would have to apologize to the person who called for the package, for having torn the end of it. After leaving the package on the table, I walked out and took my seat in the rocking chair on the porch again.

About 20 minutes afterward, three or four gentlemen came up the stairs. I walked in to meet them, figuring they were coming to register for a room. They walked into the reading room where the register book was, and where the mail and package lay. I walked in behind them. One of them pointed to the package

on the table and said, "Who received that?" I said, "I did." He then asked me who signed for it, and I said, "I did." Then there was some laughter. I said, "What's it all about?" He said, "You are under arrest for receiving and signing for that package. Who tore the end of that package?" I replied, "I did," stating that I was a little hasty in starting to open this package, but did not see any other address than 101 Johnston Street, where I was the proprietor. One of these gentlemen spoke up and said, "I am a post office inspector. These gentlemen here are city detectives. You are under arrest." They said, "Dress yourself," after which I was taken to the Federal Building, a prisoner.

Here I was taken into a room where five or six other gentlemen and a stenographer were seated. I was asked to tell what had happened from the time I got out of bed that morning. This was all taken down in shorthand by the stenographer and then typewritten on four sheets of paper.

The post office inspector asked me if I would sign that statement. I asked to be allowed to read it first. After reading it, I said, "Gentlemen, those are just the words that I gave you, I will not only sign one sheet but I will sign the four of them" which I did.

I was then taken from this room and locked up in a room on the top floor of the Federal Building, with a guard. About 5:45 or 6 o'clock, another man came up and told the guard to bring me downstairs. Here I met the same gentlemen in the hallway of the Federal Building to whom I had given the statement earlier in the day. They shook hands with me and said, "Leslie, we are sorry that we had to hold you, but we may need you later." I said, "I run that hotel down at the railroad station, and I am employed as a conductor on the railroad. You can find me there at any time. I will be glad to give you any help or assistance that I can."

I left the Federal Building and walked out on the street to see an extra paper out in better than 3-inch letters on the front page—"hotel man and railroad man arrested in an attempt to blackmail," with the story below, giving my name, address of the hotel, and where I was employed.

The Chief Inspector of the Post Office Department at Washington, D. C., claims that the post-office inspector who made this arrest did not make any report of the arrest to Washington, D. C., to his superiors.

I was arrested by the United States post-office inspector but I did not receive anything from the United States Government or through the United States mail. I was handed a decoy package which I received from the Western Union Telegraph Co. at Jacksonville, Fla.

The records of the police blotter at Jacksonville, Fla., show no record of the arrest, only the newspaper, the afternoon edition of July 3, 1926.

On July 8, 1926, I had just placed a passenger train in the Jacksonville terminal station at Jacksonville when two men walked up. They asked me if my name was Leslie. I said it was. They said they had a warrant for my arrest. I asked them what for and they said it was in connection with the arrest of a few days before. I asked these men to come to the station master's office, telling the station master I was under arrest and I would have to put somebody in charge of the train.

I asked these gentlemen if they would mind coming over to the hotel of which I was proprietor, that I wanted to change my clothes. This they granted me.

We left my hotel and I was taken to the United States marshal's office. The United States marshal held me in \$2,500 bond. This I could not pay at the time. I was locked up in the Duval County jail, at Jacksonville, Fla. Here I remained for 79 days. My hotel was left open to the general public to walk in as they pleased, as the housekeeper was only working there 4 days when she was taken down sick in bed. Linens and blankets and the furnishings of the hotel were carried away.

On the 79th day, the matron of the jail, came to me before I was released and said she could get a bondsman for me, for which I paid \$250 cash.

For the time that I was held prisoner, I spent \$17 per week for my meals to be brought in, and I was there 79 days.

The man who committed the crime used my hotel and address. When arrested, he pleaded guilty and was sentenced to a year and a day, in Federal prison, Atlanta, Ga.

When my bond was released, my hotel was gone, my savings I had placed in the hotel were lost, and I was left without employment.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 22, 1937.

HON. AMBROSE J. KENNEDY,
Chairman, Committee on Claims,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your letter of May 20, in which you state that the Committee on Claims expects to consider a bill to authorize the payment of compensation to a person who was convicted and sentenced to imprisonment, but who was later found to be innocent and was released. You request my views as to the merits of this type of legislation.

Ideal justice would seem to require that in the rare and unusual instances in which a person who has served the whole or a part of a term of imprisonment, and is later found to be entirely innocent of the crime of which he was convicted, should receive some redress. On the other hand, reversals in criminal cases are at times had on the ground of insufficiency of proof, or on the question as to whether the facts charged and proved constitute an offense under some statute. Consequently it would be necessary to sift out from the group of persons who have been convicted of crimes and whose convictions have been reversed, those few who are in fact innocent of any offense whatever.

A bill (S. 750) has recently passed the Senate and is now pending before the House Committee on the Judiciary, to provide that a person who has been convicted of a crime and then has been found to be innocent, either as a result of subsequent court proceedings, or by a pardon, may institute proceedings in the Court of Claims for compensation for his suffering. The bill limits the maximum amount of compensation to be awarded in any one case to \$5,000.

I am informed that the laws of many European countries provide for a grant of compensation under the circumstances here discussed.

Claims of this nature should be carefully scrutinized, but in those cases in which it affirmatively appears that the defendant who has been convicted and imprisoned on a criminal charge, is actually innocent, it is fair and just that some compensation should be made. The expense resulting from such policy would be not much more than negligible, since it is on comparatively rare occasions that situations of this kind arise.

With kind personal regards,
Sincerely yours,

HOMER CUMMINGS,
Attorney General.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 23, 1937.

HON. AMBROSE J. KENNEDY,
Chairman, Committee on Claims,
House of Representatives.

MY DEAR MR. KENNEDY: The receipt is acknowledged of your letter of the 8th instant requesting a report upon H. R. 5099, a bill for the relief of Vincent F. Leslie.

The files of the Department show that on July 3, 1926, an unsigned extortion letter mailed at Jacksonville, Fla., addressed to an employee of the Seaboard Air Line Railway Co., was turned over to post-office inspectors at Jacksonville for investigation. The letter demanded the sum of \$500, with threats that the addressee would be killed if the demand was not complied with and requested that the money be sent to the Jacksonville Terminal Y Hotel, where it would be called for.

The inspectors state that a package was prepared bearing the return card of the addressee of the letter and marked "To be called for." This package was sent by messenger to the address mentioned, where it was delivered to Vincent F. Leslie, manager of the hotel. Shortly thereafter, one Melvin F. Kendel was seen by the inspectors leaving the hotel. He was stopped and questioned and claimed that he had called on Mr. Leslie for the purpose of borrowing some money. The package was not in his possession. Leslie was then questioned and the package was returned by him to the inspectors. It was noticed that one corner of the envelope had been torn off. Leslie stated that he had done this but claimed that he started to open the package before noticing that it was marked, "To be called for." He also stated that Kendel had called at the hotel and asked whether there was a package for him and that he had shown Kendel the package but refused to allow him to open it.

The reports show that Kendel was again questioned and finally admitted that the extortion letter was written by him. He was then arrested and placed in the county jail. On July 8, 1926, he informed one of the inspectors that while he had written the letter, Leslie was the instigator of the scheme and that the money was to be divided between them. The inspector discussed the matter with the assistant United States attorney at Jacksonville. Upon the latter's advice, a warrant was issued and Leslie was arrested on July 8, 1926, by a deputy United States marshal. The following day Kendel and Leslie were arraigned before the United States Commissioner. Leslie contended that he was innocent, but after hearing the testimony of Kendel and the circumstances in the case, the United States commissioner ordered both men held for action of the grand jury. In default of \$1,000 bond, Leslie was remanded to the county jail where he was confined for about 60 days before bond was furnished. There is no record in this office of Leslie having been arrested in connection with this case except on July 8, 1926. Both Kendel and Leslie were indicted on August 16, 1926. On the same day, Kendel appeared in court, pleaded guilty, and was sentenced to serve 1 year and 1 day in the Federal penitentiary at Atlanta, Ga.

Early in November 1926, Kendel wrote to one of the inspectors and asked that he be not required to testify against Leslie. The inspector called upon him at the penitentiary and he then stated that Leslie had no connection whatever with the crime. This development was promptly reported to the assistant United States attorney and the indictment against Leslie was later nolle prossed.

Leslie's arrest and confinement resulted from the testimony of Kendel. While it would appear that Leslie suffered as an innocent victim of circumstances, inasmuch as the action taken against him was under due process of law, this Department prefers to make no recommendation with respect to the passage of the bill for his relief, believing the matter to be properly determinable as a matter of general legislative policy.

Very truly yours,

W. W. Howe,
Acting Postmaster General.

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